

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Steven S. HOMER et al.

Confirmation No.: 2458

Application No.: 10/765,806

Examiner: Edwards, Anthony

Filing Date: Jan. 27, 2004

Group Art Unit: 2835

Title: PERSONAL COMPUTING DEVICE WITH REMOVABLE ACCESSORY MODULE

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on July 14, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

Steven S. HOMER et al.

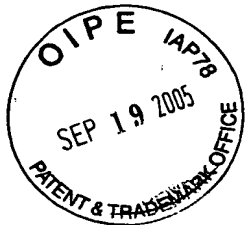
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Steven S. HOMER et al.
Serial No.: 10/765,806
Filing Date: January 27, 2004
Group Art Unit: 2835
Examiner: Edwards, Anthony Q.
Title: PERSONAL COMPUTING DEVICE WITH
REMOVABLE ACCESSORY MODULE
Docket No.: 200312393-1

MAIL STOP: APPEAL BRIEF PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

APPEAL BRIEF

Applicants has appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed June 14, 2005, finally rejecting Claims 1-5, 8-13, 20-23 and 25. Applicants filed a Notice of Appeal on July 14, 2005. Applicants respectfully submits herewith this Appeal Brief with authorization to charge the statutory fee of \$500.00.

REAL PARTY IN INTEREST

The present application was assigned to Hewlett-Packard Development Company as indicated by an assignment from the inventor recorded on April 14, 2004 in the Assignment Records of the United States Patent and Trademark Office at Reel 014517, Frame 0031.

RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1-5, 8-13, 20-23 and 25 stand rejected pursuant to a Final Office Action mailed June 14, 2005. Claims 6, 7, 14-19 and 24 were objected to in the Final Office Action mailed June 14, 2005. Claims 1-5, 8-13, 20-23 and 25 are presented for appeal.

STATUS OF AMENDMENTS

No amendment has been filed subsequent to the Final Office Action mailed June 14, 2005.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

Embodiments of the present invention as defined by independent Claim 1 are directed toward a computing device (10) comprising a base (14), at least one removable center (20) module disposed on and coupled to the base (14), a lid (12) and a hinge structure (16) having a clutch member (36) coupling the base (14) and the lid (12), the clutch member (36) having a variable height operable to enable the lid (12) to close over the at least one removable center module (20). (at least at pages 3-5, paragraphs 0013, 0014, and 0016-0019; and figures 1, 2A-2E and 4).

Independent Claim 13

Embodiments of the present invention as defined by independent Claim 13 are directed toward a device (10) comprising first (12) and second (14) portions, at least

one removable center module (20) disposed on and coupled to the second portion (14) and a hinge structure (16) having a clutch member (36) coupling the first (12) and second (14) portions, the clutch member (36) having a variable height operable to enable the first portion (12) to close over at least one removable center module (20). (at least at pages 3-5, paragraphs 0013, 0014, and 0016-0019; and figures 1, 2A-2E and 4).

Independent Claim 20

Embodiments of the present invention as defined by independent Claim 20 are directed toward a computing device (10) comprising a base (14) adapted to receive a plurality of different size removable center modules (20) and a hinge structure (16) coupling a lid (12) to the base (14), the hinge structure (16) adapted to accommodate the different sizes of removable center modules (20) and enable closure of the lid (12) relative to the base (14). (at least at pages 3-5, paragraphs 0013, 0014, and 0016-0019; and figures 1, 2A-2E and 4).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-5, 8-13, 20-23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable in view of U.S. Patent No. 6,532,147 issued to Christ, Jr. (hereinafter “*Christ*”) in view of U.S. Patent No. 6,700,773 issued to Adriaansen et al. (hereinafter “*Adriaansen*”).

ARGUMENT

A. Standard

1. 35 U.S.C. § 103

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, (Fed. Cir. 1991); M.P.E.P. § 2143. The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.* Further, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990); M.P.E.P. § 2143.01. Additionally, not only must there be a suggestion to combine the functional or operational aspects of the combined references, but also the prior art is required to suggest both the combination of elements and the structure resulting from the combination. *Stiftung v. Renishw PLC*, 945 F.2d 1173, 1183 (Fed. Cir. 1991). Moreover, where there is no apparent disadvantage present in a particular prior art reference, then generally there can be no motivation to combine the teaching of another reference with the particular prior art reference. *Winner Int'l Royalty Corp. v. Wang*, 202 F.3d 1340, 1349 (Fed. Cir. 2000).

B. Argument

1. Claims 1-5 and 8-13

Claims 1-5, 8-13, 20-23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable in view of *Christ* in view of *Adriaansen*. Of these claims, Claims 1 and 13 are independent. Applicants respectfully submit that each of independent Claims 1 and 13 is patentable over the cited references, and thus remaining Claims 2-5 and 8-12 that depend from independent Claim 1 are also patentable.

Embodiments of the present invention generally involve a computer device (10) having a lid (12) coupled to a base (14) where the base (14) is configured to receive a plurality of different size (e.g., different thicknesses) removable center accessory modules (20) (at least at pages 3-5, paragraphs 0013, 0014, and 0016-0019; and figures 1, 2A-2E and 4). For example, in some embodiments of Applicants' invention, the computer device (10) comprises a hinge structure (16) coupling the lid (12) to the base (14) where the hinge structure (16) comprises a clutch member (36) (at least at pages 3-5, paragraphs 0013, 0014, and 0016-0019; and figures 1, 2A-2E and 4). In some embodiments of Applicants' invention, the clutch member (36) is biased outwardly from a cavity (38) in the base (14) and comprises one or more notches (48, 49) engageable by a locking nib (46) to facilitate varying a height of the clutch member (36) relative to the base (14) (at least at pages 3-5, paragraphs 0013,

0014, and 0016-0019; and figures 1, 2A-2E and 4). Thus, embodiments of Applicants' invention enable varying thicknesses of accessory modules (20) to be coupled to the base (14) while enabling closing of the lid (12) relative to the base (14) by disengaging, moving and re-engaging the clutch member (36) at a corresponding height (at least at pages 3-5, paragraphs 0013, 0014, and 0016-0019; and figures 1, 2A-2E and 4). Accordingly, Claim 1, for example, recites "a base," "at least one removable center module disposed on and coupled to the base," "a lid" and "a hinge structure having a clutch member coupling the base and the lid, the clutch member having a variable height operable to enable the lid to close over the at least one removable center module."

In the Final Office Action, the Examiner asserts that *Christ* purportedly discloses a "clutch member" as recited by Claim 1 (Final Office Action, page 2). Applicants respectfully disagree. *Christ* appears to disclose a display screen 24 connected to a base 22 by hinges 77 (*Christ*, column 6, lines 6-9, figures 7-9). *Christ* also appears to disclose that each hinge 77 includes a first member 84 and a second member 86 which slidably move relative to one another (*Christ*, column 6, lines 20-24, figures 7-9). For example, *Christ* appears to disclose that the second member 86 of *Christ* slides into a channel formed in the first member 84 of *Christ* to facilitate telescoping movement of the second member 86 relative to the first member 84 (*Christ*, column 6, lines 6-9, figures 7-9). Applicants respectfully submit that the telescoping arrangement of the first and second members 84 and 86 of *Christ* is not a "clutch member" as recited by Claim 1. Referring to *Christ*, the Examiner states:

Although the "clutch" is not shown, the reference clearly describes the hinge member (84/86) having a clutch mechanism that holds the telescoping members relative to each other.

(Final Office Action, page 2). As stated by the Examiner above, *Christ* does not disclose a "clutch." For example, *Christ* does not disclose any separately identifiable "clutch" element. Accordingly, for at least this reason, *Christ* does not satisfy the requirements set forth by 35 U.S.C. § 103. Moreover, Applicants respectfully submit that even if the engagement of members 84 and 86 of *Christ* is considered a "clutch," of which Applicants respectfully disagree, Applicants respectfully submit that the

sliding or telescoping movement of members 84 and 86 relative to each other is not representative of a “clutch” mechanism. For example, *Christ* does not disclose or even suggest, nor does the Examiner explicitly identify in *Christ*, any disengagement/engagement of elements generally associated with a “clutch” mechanism. Accordingly, for at least these reasons, Applicants respectfully submit that *Christ* does not disclose or even suggest a “clutch member” as recited by Claim 1. Further, *Adriaansen* fails to remedy at least this deficiency of *Christ*. Accordingly, Applicants respectfully submit that the rejection of Claim 1 was improper, and that Claim 1 is in condition for allowance.

Independent Claim 13 recites “first and second portions,” “at least one removable center module disposed on and coupled to the second portion” “a hinge structure having a clutch member coupling the first and second portions, the clutch member having a variable height operable to enable the first portion to close over at least one removable center module” (emphasis added). As discussed above in connection with independent Claim 1, neither *Christ* nor *Adriaansen*, alone or in combination, discloses, teaches or even suggests a “clutch member” as recited by independent Claim 13. Accordingly, for at least the reasons discussed above in connection with independent Claim 1, the rejection of Claim 13 was improper, and Applicants respectfully submit that Claim 13 is in condition for allowance.

Accordingly, for at least the reasons discussed above, independent Claims 1 and 13 are clearly patentable over the *Christ* and *Adriaansen* references. Therefore, Claims 1 and 13, and Claims 2-5 and 8-12 that depend from independent Claim 1, are in condition for allowance.

2. Claims 20-23 and 25

Claims 20-23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable in view of *Christ* in view of *Adriaansen*. Of these claims, Claim 20 is independent. Applicants respectfully submit that independent Claim 20 is patentable over the cited references, and thus remaining Claims 22, 23 and 25 that depend from independent Claim 20 are also patentable.

Independent Claim 20 recites “a base adapted to receive a plurality of different size removable center modules” and “a hinge structure coupling a lid to the base, the hinge structure adapted to accommodate the different sizes of removable center modules and enable closure of the lid relative to the base” (emphasis added). In the Final Office Action, the Examiner appears to assert that states that *Adriaansen* purportedly discloses “a plurality of different size removable center modules” as recited by Claim 20 (Final Office Action, page 5 (“see Figs. 29 and 30 of *Adriaansen*”)). Applicants respectfully disagree. *Adriaansen* appears to disclose a computer 121 having a first hinge structure 117 coupling a lid 109 to a base or main housing 107/122, and a second hinge structure 114 coupling a keyboard 111 to the base or main housing 107/122 of *Adriaansen* (*Adriaansen*, column 15, lines 10-22, column 13, line 30 to column 14, line 43, figures 21-30). *Adriaansen* also appears to disclose that disposed beneath the keyboard 111 and fixedly mounted to the base or main housing 107/122 is a digitizer 113 (*Adriaansen*, column 15, lines 10-22, column 13, line 30 to column 14, line 43, figures 21-30). *Adriaansen* also appears to disclose that the keyboard 111 may be rotated relative to the base or main housing 107/122 via the hinge structure 114, and that the lid 109 may be rotated relative to the base or main housing 107/122 via hinge structure 117 (*Adriaansen*, column 15, lines 10-22, column 13, line 30 to column 14, line 43, figures 21-30). Thus, *Adriaansen* appears to disclose that in operation, the keyboard 111 may be rotated relative to the base or main housing 107/122 via the hinge structure 114 to facilitate use of the digitizer 113 disposed thereunder (*Adriaansen*, column 15, lines 10-22, column 13, line 30 to column 14, line 43, figures 21-30). Thus, *Adriaansen* does not disclose or even suggest “a plurality of different size removable center modules” as recited by Claim 20 as asserted by the Examiner. To the contrary, *Adriaansen* appears to disclose only a single movable element received by the base or main housing 107/122 of *Adriaansen*, namely, the keyboard 111 of *Adriaansen*, which, further, is of a single size (*Adriaansen*, column 15, lines 10-22, column 13, line 30 to column 14, line 43, figures 21-30). Thus, *Adriaansen* does not disclose or even suggest “a base adapted to receive a plurality of different size removable center modules” as recited by Claim 20 as asserted by the Examiner, nor does *Christ* remedy at least this deficiency of *Adriaansen*.


Accordingly, for at least the reasons discussed above, independent Claim 20 is clearly patentable over the *Christ* and *Adriaansen* references. Therefore, Claim 20, and Claims 22, 23 and 25 that depend from independent Claim 20, are in condition for allowance.

CONCLUSION

Applicant(s) have demonstrated that the present invention as claimed is clearly distinguishable over the art cited of record. Therefore, Applicant(s) respectfully request the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

The Commissioner is authorized to charge the statutory fee of \$500.00 to Deposit Account No. 08-2025 of Hewlett-Packard Company. Although no other fee is believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,


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Date: September 14, 2005

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CLAIMS APPENDIX

1. A computing device, comprising:
a base;
at least one removable center module disposed on and coupled to the base;
a lid; and
a hinge structure having a clutch member coupling the base and the lid, the clutch member having a variable height operable to enable the lid to close over the at least one removable center module.
2. The computing device, as set forth in claim 1, wherein the hinge structure is further operable to enable the lid to close over the base with the at least one removable center module removed from the base.
3. The computing device, as set forth in claim 1, wherein the clutch member is operable to protrude above and beyond the base at varying heights.
4. The computing device, as set forth in claim 3, further comprising at least one lock button having a locking nib operable to releaseably engage at least one notch defined in the clutch member.
5. The computing device, as set forth in claim 1, the clutch member operable to receive a lock button operable to fasten the clutch member in one of a number of heights protruding above and beyond the base.
8. The computing device, as set forth in claim 4, wherein an opening is defined in the base to enable a user to manipulate the at least one lock button toward and away from the clutch member.
9. The computing device, as set forth in claim 1, wherein the hinge structure rotatively couples the lid to the base.
10. The computing device, as set forth in claim 1, further comprising a plurality of electrical components housed in the base, and the at least one removable center module is electrically connectable to the plurality of electrical components.

11. The computing device, as set forth in claim 1, wherein the lid comprises a display screen.

12. The computing device, as set forth in claim 1, wherein the at least one removable center module comprises:

first center module operable to be disposed on and releaseably coupled to the base;

second center module operable to be disposed on and releaseably coupled to the first center module; and

the hinge structure enabling the lid to close over the second center module.

13. A device, comprising:

first and second portions;

at least one removable center module disposed on and coupled to the second portion; and

a hinge structure having a clutch member coupling the first and second portions, the clutch member having a variable height operable to enable the first portion to close over at least one removable center module.

20. A computing device, comprising:

a base adapted to receive a plurality of different size removable center modules; and

a hinge structure coupling a lid to the base, the hinge structure adapted to accommodate the different sizes of removable center modules and enable closure of the lid relative to the base.

21. The device, as set forth in claim 20, wherein the hinge structure comprises a clutch member adapted to protrude above and beyond the base at varying heights.

22. The device, as set forth in claim 21, further comprising at least one lock button having a locking nib operable to releaseably engage at least one notch defined in the clutch member.

23. The device, as set forth in claim 20, wherein the hinge structure comprises a clutch member operable to receive a lock button to fasten the clutch member in one of a number of heights protruding above and beyond the base.

25. The device, as set forth in claim 20, wherein the hinge structure rotatively couples the lid to the base.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None